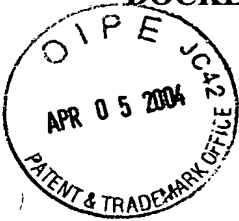


Image ~~\$RCE~~  
1635

# PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Confirmation No.: 8676**

## Rolf Bjerkvig

**Group Art Unit: 1635**

**Application No.: 09/763,682**

**Examiner: Jon E. Angell**

**Filing Date: April 27, 2001**

**For: Alginate Capsules For Use In The Treatment Of Brain Tumor**

**EXPRESS MAIL LABEL NO: EL 531432897 US**

**DATE OF DEPOSIT: April 5, 2004**

EL531432897US

## Mail Stop

☒ AF

## ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT  
TO 37 CFR § 1.114**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on . (Any unentered amendment(s) referred to above will be entered).

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.

☐ Other:

☒ Enclosed

04/07/2004 HGE BREM1 00000035 09763682

01 FC:1801 770.00 OP

04/07/2004 HGE BREM1 00000035 09763682

02 FC:1253 950.00 DP

- ☒ Amendment/Reply under 37 CFR § 1.116
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☐ Other:

## 2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR § 1.17(i) required)

## FEE CALCULATION:

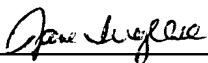
				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$385.00	\$	\$770.00	\$770.00
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	13	20	0	\$9 EACH	\$	\$18 EACH	\$0.00
INDEP. CLAIMS	1	3	0	\$43 EACH	\$	\$86 EACH	\$0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$0.00
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0.00
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$0.00
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$950.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$0.00
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1005	\$	\$2010	\$0.00
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$0.00)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0.00
TOTAL FEE DUE					\$		\$1720.00

- ☒ A check in the amount of **\$1720.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$       .00. This sheet is attached in duplicate.
- ☒ A response to the Final Rejection dated October 6, 2003 was due on January 6, 2004. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from January 6, 2004 to and through April 6, 2004 comprising an extension of the shortened statutory period of three (3) month(s).

- ☐ A Notice of Appeal was filed . An Appeal Brief is due on . Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from to and through comprising a total extension of month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: April 5, 2004

  
\_\_\_\_\_  
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Philadelphia PA 19103  
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Facsimile: (215) 568-3439

DOCKET NO.: FMC-1213  
Application No.: 09/763,682  
Office Action Dated: October 6, 2003

PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
**Rolf Bjerkvig**

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Group Art Unit: **1635**

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Examiner: **Jon E. Angell**

For: **ALGINATE CAPSULES FOR USE IN THE TREATMENT OF BRAIN  
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REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated October 6, 2003 and the Advisory Action dated February 24, 2004, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page \_\_\_\_\_ of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ **Amendments to the Drawings** begin on page \_\_\_\_\_ of this paper and include an attached replacement sheet.
- ☒ **Remarks/Arguments** begin on page 5 of this paper.